



New York State Correctional Officers & Police Benevolent Association, Inc.

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NYSCOPBA OPPOSES MODIFICATION OF ONE-YEAR NOTIFICATION LAW WITH RESPECT TO FACILITIES OPERATED BY THE OFFICE OF MENTAL HEALTH

As part of his Executive Budget proposal for fiscal year 2013-2014, Governor Cuomo has proposed legislation that would authorize a facility closure or a reduction in services of a facility operated by the Office of Mental Health ("OMH") without adherence to the one-year notification requirement contained in the Mental Hygiene Law. NYSCOPBA strongly opposes this ill-conceived initiative to circumvent statutory provisions which were enacted to provide New York's workforce with adequate time to prepare to uproot themselves and their families in the event a change in work location is necessary as a result of a facility closure or reduction in services.

The provisions of §7.17 of the Mental Hygiene Law require the Commissioner of OMH to provide notice of at least 12 months to local governments and affected employee organizations prior to the closure of a facility operated by OMH. Similar notice is also required prior to a substantial reduction in services at any such facility operated by OMH. Like the parallel notice provisions contained in Correction Law § 79-a, these notice requirements are vitally important in order to protect the interests of our members and their families who may be displaced by a closure without adequate time to prepare for this life-changing event.

The Governor's Executive Budget proposal provides for only 75 days notice with respect to a proposed closure, consolidation or merger, and a mere 45 days notice for a substantial reduction in services at any facility. This is simply not enough time to prepare for the devastating impact of a facility closure. Providing employees with 12 months to plan for such a life change not only provides essential planning time for the employees and their families, but it also affords the impacted communities and local governments with sufficient time to prepare for the changes that will occur when a facility closes or significantly reduces in size. To allow closures or reductions to occur, at the discretion of the Commissioner of OMH, without adherence to the one-year notification provisions of Mental Hygiene Law § 7.17 is totally unacceptable to NYSCOPBA.

Therefore, as President of NYSCOPBA, I am requesting that you take whatever actions you deem appropriate to prevent the implementation of the Governor's proposal. The closure of a State facility, or other reduction in services that causes a workforce reduction at a facility, is not only devastating to the individual employees, but to their families as well. At the very least, the State should ensure that those employees who would be impacted by a closure receive the current notice of one-year mandated by existing law.

On behalf of all my members, I thank you in advance for your anticipated cooperation and assistance in this very significant matter and am willing to work with you in whatever ways you deem necessary to prevent this proposal from becoming a reality.

Sincerely,

Donn Rowe, President of NYSCOPBA